

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION  
CRIMINAL No. 4:07-CR-62-D  
CIVIL No. 4:11-CV-68-D

MITCHELL SWAIN, )  
)  
Petitioner, )  
)  
v. )  
)  
UNITED STATES OF AMERICA, )  
)  
Respondent. )

**ORDER**


The motion petitioner filed to vacate, set aside, or correct the sentence pursuant to 28 U.S.C. § 2255, received on April 29, 2011, does not substantially follow the form appended to the Rules Governing § 2255 Proceedings and is therefore not in compliance with Rule 2(c) of the Rules Governing § 2255 Proceedings and Local Civil Rule 81.2 of this court. The Clerk is DIRECTED to send a copy of the appropriate form to petitioner. Petitioner must complete the form in its entirety, sign it under penalty of perjury (or a person authorized by petitioner, such as an attorney, may sign it) and filed the original and two copies with the Clerk of this court.

**Petitioner is DIRECTED to return the form, in accordance with these instructions, within fourteen (14) days from the filing of this order. Failure to do so may result in the dismissal of this action or the striking of the motion.**

Send the original of the corrected § 2255 form to:

Clerk of Court  
United States District Court, E.D.N.C.  
ATTN: Prisoner Litigation Division  
P.O. Box 25670  
Raleigh, NC 27611

A copy of the completed § 2255 motion will be forwarded to the United States Attorney.  
SO ORDERED. This 5 day of May 2011.

  
JAMES C. DEVER III  
United States District Judge